

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DALE MITCHELL,

Petitioner,

v.

RON VON BOEING,

Respondant.

Case No. C07-5271RJB

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation (Dkt. 4); and
- (2) The *in forma pauperis* status is DENIED. Petitioner has not filed any written objection to the Report and Recommendation. Petitioner must pay the \$5 filing fee within 30 days. If Petitioner does not pay the filing fee on or before October 31, 2007, the Court will dismiss the Petition for Writ of Habeas Corpus (Dkt. 1) without prejudice; and
- (3) The Clerk is directed to send copies of this Order to Petitioner, counsel for defendant, and to the Hon. J. Kelley Arnold.

DATED this 1<sup>st</sup> day of October, 2007.

  
ROBERT J. BRYAN  
United States District Judge